

REFERENCE TITLE: aggravated assault

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1084

Introduced by
Senator Gray C

AN ACT

AMENDING SECTION 13-1204, ARIZONA REVISED STATUTES; RELATING TO ASSAULT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-1204, Arizona Revised Statutes, is amended to
3 read:

4 13-1204. Aggravated assault; classification; definition

5 A. A person commits aggravated assault if the person commits assault
6 as ~~defined in~~ PRESCRIBED section 13-1203 under any of the following
7 circumstances:

8 1. If the person causes serious physical injury to another.

9 2. If the person uses a deadly weapon or dangerous instrument.

10 3. IF THE PERSON COMMITS THE ASSAULT BY ANY MEANS OF FORCE THAT CAUSES
11 TEMPORARY BUT SUBSTANTIAL DISFIGUREMENT, TEMPORARY BUT SUBSTANTIAL LOSS OR
12 IMPAIRMENT OF ANY BODY ORGAN OR PART OR A FRACTURE OF ANY BODY PART.

13 4. IF THE PERSON COMMITS THE ASSAULT WHILE THE VICTIM IS BOUND OR
14 OTHERWISE PHYSICALLY RESTRAINED OR WHILE THE VICTIM'S CAPACITY TO RESIST IS
15 SUBSTANTIALLY IMPAIRED.

16 5. If the person commits the assault after entering the private
17 home of another with the intent to commit the assault.

18 6. If the person is eighteen years of age or older and commits the
19 assault ~~upon~~ ON a child ~~the age of~~ WHO IS fifteen years OF AGE or under.

20 7. IF THE PERSON COMMITS ASSAULT AS PRESCRIBED BY SECTION 13-1203,
21 SUBSECTION A, PARAGRAPH 1 OR 3 AND THE PERSON IS IN VIOLATION OF AN ORDER OF
22 PROTECTION ISSUED AGAINST THE PERSON PURSUANT TO SECTION 13-3602 OR 13-3624.

23 8. If the person commits the assault knowing or having reason to
24 know that the victim is ANY OF THE FOLLOWING:

25 (a) A peace officer, or a person summoned and directed by the officer
26 while engaged in the execution of any official duties.

27 (b) A FIRE FIGHTER, FIRE INVESTIGATOR, FIRE INSPECTOR, EMERGENCY
28 MEDICAL TECHNICIAN OR PARAMEDIC ENGAGED IN THE EXECUTION OF ANY OFFICIAL
29 DUTIES, OR A PERSON SUMMONED AND DIRECTED BY SUCH INDIVIDUAL WHILE ENGAGED IN
30 THE EXECUTION OF ANY OFFICIAL DUTIES.

31 (c) A TEACHER OR OTHER PERSON EMPLOYED BY ANY SCHOOL AND THE TEACHER
32 OR OTHER EMPLOYEE IS ON THE GROUNDS OF A SCHOOL OR GROUNDS ADJACENT TO THE
33 SCHOOL OR IS IN ANY PART OF A BUILDING OR VEHICLE USED FOR SCHOOL PURPOSES,
34 ANY TEACHER OR SCHOOL NURSE VISITING A PRIVATE HOME IN THE COURSE OF THE
35 TEACHER'S OR NURSE'S PROFESSIONAL DUTIES OR ANY TEACHER ENGAGED IN ANY
36 AUTHORIZED AND ORGANIZED CLASSROOM ACTIVITY HELD ON OTHER THAN SCHOOL
37 GROUNDS.

38 (d) A LICENSED HEALTH CARE PRACTITIONER WHO IS CERTIFIED OR LICENSED
39 PURSUANT TO TITLE 32, CHAPTER 13, 15, 17 OR 25, OR A PERSON SUMMONED AND
40 DIRECTED BY THE LICENSED HEALTH CARE PRACTITIONER WHILE ENGAGED IN THE
41 PERSON'S PROFESSIONAL DUTIES. THIS PARAGRAPH DOES NOT APPLY IF THE PERSON
42 WHO COMMITS THE ASSAULT IS SERIOUSLY MENTALLY ILL, AS DEFINED IN SECTION
43 36-550, OR IS AFFLICTED WITH ALZHEIMER'S DISEASE OR RELATED DEMENTIA.

44 (e) A PROSECUTOR.

1 6. 9. If the person knowingly takes or attempts to exercise control
2 over ANY OF THE FOLLOWING:

3 (a) A peace officer's or other officer's firearm and the person knows
4 or has reason to know that the victim is a peace officer or other officer
5 employed by one of the agencies listed in paragraph 10, subdivision (a), item
6 (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the
7 execution of any official duties.

8 7. ~~If the person knowingly takes or attempts to exercise control over~~

9 (b) Any weapon other than a firearm that is being used by a peace
10 officer or other officer or that the officer is attempting to use, and the
11 person knows or has reason to know that the victim is a peace officer or
12 other officer employed by one of the agencies listed in paragraph 10,
13 subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection and is
14 engaged in the execution of any official duties.

15 8. ~~If the person knowingly takes or attempts to exercise control over~~

16 (c) Any implement that is being used by a peace officer or other
17 officer or that the officer is attempting to use, and the person knows or has
18 reason to know that the victim is a peace officer or other officer employed
19 by one of the agencies listed in paragraph 10, subdivision (a), item (i),
20 (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution
21 of any official duties. For the purposes of this paragraph, "implement"
22 means an object that is designed for or that is capable of restraining or
23 injuring an individual. Implement does not include handcuffs.

24 9. ~~If the person commits the assault knowing or having reason to know~~
25 ~~the victim is a teacher or other person employed by any school and the~~
26 ~~teacher or other employee is upon the grounds of a school or grounds adjacent~~
27 ~~to the school or is in any part of a building or vehicle used for school~~
28 ~~purposes, any teacher or school nurse visiting a private home in the course~~
29 ~~of the teacher's or nurse's professional duties or any teacher engaged in any~~
30 ~~authorized and organized classroom activity held on other than school~~
31 ~~grounds.~~

32 10. If the person meets both of the following conditions:

33 (a) Is imprisoned or otherwise subject to the custody of any of the
34 following:

35 (i) The state department of corrections.
36 (ii) The department of juvenile corrections.
37 (iii) A law enforcement agency.
38 (iv) A county or city jail or an adult or juvenile detention facility
39 of a city or county.

40 (v) Any other entity that is contracting with the state department of
41 corrections, the department of juvenile corrections, a law enforcement
42 agency, another state, any private correctional facility, a county, a city or
43 the federal bureau of prisons or other federal agency that has responsibility
44 for sentenced or unsentenced prisoners.

1 (b) Commits an assault knowing or having reason to know that the
2 victim is acting in an official capacity as an employee of any of the
3 entities ~~prescribed by LISTED IN~~ subdivision (a) of this paragraph.

4 ~~11. If the person commits the assault while the victim is bound or
5 otherwise physically restrained or while the victim's capacity to resist is
6 substantially impaired.~~

7 ~~12. If the person commits the assault knowing or having reason to know
8 that the victim is a fire fighter, fire investigator, fire inspector,
9 emergency medical technician or paramedic engaged in the execution of any
10 official duties, or a person summoned and directed by such individual while
11 engaged in the execution of any official duties.~~

12 ~~13. If the person commits the assault knowing or having reason to know
13 that the victim is a licensed health care practitioner who is certified or
14 licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a person summoned
15 and directed by the licensed health care practitioner while engaged in the
16 person's professional duties. The provisions of this paragraph do not apply
17 if the person who commits the assault is seriously mentally ill, as defined
18 in section 36-550, or is afflicted with Alzheimer's disease or related
19 dementia.~~

20 ~~14. If the person commits assault by any means of force which causes
21 temporary but substantial disfigurement, temporary but substantial loss or
22 impairment of any body organ or part or a fracture of any body part.~~

23 ~~15. If the person commits assault as prescribed by section 13-1203,
24 subsection A, paragraph 1 or 3 and the person is in violation of an order of
25 protection issued against the person pursuant to section 13-3602 or 13-3624.~~

26 ~~16. If the person commits the assault knowing or having reason to know
27 that the victim is a prosecutor.~~

28 B. Except pursuant to subsections C and D of this section, aggravated
29 assault pursuant to subsection A, paragraph 1, OR 2 or ~~6~~ PARAGRAPH 9,
30 SUBDIVISION (a) of this section is a class 3 felony except if the victim is
31 under fifteen years of age in which case it is a class 2 felony punishable
32 pursuant to section 13-604.01. Aggravated assault pursuant to subsection A,
33 paragraph ~~14~~ 3 of this section is a class 4 felony. Aggravated assault
34 pursuant to subsection A, paragraph ~~7~~ 9, SUBDIVISION (b) or PARAGRAPH 10 of
35 this section is a class 5 felony. Aggravated assault pursuant to subsection
36 A, paragraph ~~3, 4, 5, 6, 7, OR 8, 9, 11, 12, 13, 15 or 16~~ OR PARAGRAPH 9,
37 SUBDIVISION (c) of this section is a class 6 felony.

38 C. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of
39 this section committed on a peace officer while the officer is engaged in the
40 execution of any official duties is a class 2 felony. Aggravated assault
41 pursuant to subsection A, paragraph ~~14~~ 3 of this section committed on a peace
42 officer while the officer is engaged in the execution of any official duties
43 is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph
44 ~~5~~ 8, SUBDIVISION (a) of this section resulting in any physical injury to a

1 peace officer while the officer is engaged in the execution of any official
2 duties is a class 5 felony.

3 D. Aggravated assault pursuant to:

4 1. Subsection A, paragraph 1 or 2 of this section is a class 2 felony
5 if committed on a prosecutor.

6 2. Subsection A, paragraph ~~14~~ 3 of this section is a class 3 felony if
7 committed on a prosecutor.

8 3. Subsection A, paragraph ~~16~~ 8, **SUBDIVISION (e)** of this section is a
9 class 5 felony if the assault results in ~~a~~ physical injury to a prosecutor.

10 E. For the purposes of this section, "prosecutor" means a county
11 attorney, a municipal prosecutor or the attorney general and includes an
12 assistant or deputy county attorney, municipal prosecutor or attorney
13 general.